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**In The Matter Of:**

*Klug v.*

*Marshall University Board of Governors, et al.*

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*Donna Webb*

*March 5, 2021*

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<p>1 A Yes. The remediation would have been the</p> <p>2 bottom part of the remediation plan.</p> <p>3 Q The bottom part of what? I'm sorry.</p> <p>4 A The ABSITE policy.</p> <p>5 Q You're talking about the handbook?</p> <p>6 A Yes.</p> <p>7 Q Okay. I still don't understand. What is</p> <p>8 the remediation plan though? On this document it says if you</p> <p>9 have a certain score, you're going to qualify for serious</p> <p>10 remediation. But what is the remediation?</p> <p>11 A It would depend on the resident. Whatever</p> <p>12 they were – you know, wherever they fit into the ABSITE policy</p> <p>13 as far as their scores, their ABSITE scores, their academic</p> <p>14 performance.</p> <p>15 Q Okay.</p> <p>16 MS. WHITEAKER: Can we go ahead and mark that</p> <p>17 one as Exhibit No. 2? We can let her hold onto it in case</p> <p>18 she needs to refer to it.</p> <p>19 (WHEREUPON, Webb Deposition</p> <p>20 Exhibit No. 2, Handbook, was</p> <p>21 marked for identification.)</p> <p>22 MS. WHITEAKER: This will be Exhibit No. 3,</p> <p>23 which starts MU000866.</p> <p>24 (WHEREUPON, Webb Deposition</p>	<p>1 A I do.</p> <p>2 Q And why did you put she hadn't completed it</p> <p>3 if she had given you a certificate?</p> <p>4 A I'm assuming that at the time that I did this,</p> <p>5 I didn't have it, April 8.</p> <p>6 Q Well, you didn't start preparing this</p> <p>7 timeline in 2015, did you?</p> <p>8 A I don't know. I mean I don't know exactly</p> <p>9 when I prepared this timeline.</p> <p>10 Q Well, you have entries on here up to 2016 on</p> <p>11 the timeline. Is there any reason why you didn't correct that</p> <p>12 to show that she did complete the Citi certification?</p> <p>13 A I don't know.</p> <p>14 Q Okay. Well, that information is inaccurate</p> <p>15 on the timeline, isn't it?</p> <p>16 A I suppose it is.</p> <p>17 Q Thank you. Let me show you another document</p> <p>18 here.</p> <p>19 (WHEREUPON, Webb Deposition</p> <p>20 Exhibit No. 4, SCORE document,</p> <p>21 was marked for identification.)</p> <p>22 BY MS. WHITEAKER:</p> <p>23 Q Exhibit 4 is a document that's Bates numbered</p> <p>24 at the bottom beginning Klug 000961. It says SCORE at the</p>
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<p>1 Exhibit No. 3, E-Mail, was</p> <p>2 marked for identification.)</p> <p>3 BY MS. WHITEAKER:</p> <p>4 Q This is an e-mail with a document attached</p> <p>5 from Becky to you?</p> <p>6 A Yes.</p> <p>7 Q Okay. It says "Citi Certificate." Can you</p> <p>8 explain to me what that is?</p> <p>9 A This is for any research that's done, the</p> <p>10 individual has to complete the institution's Collaborative</p> <p>11 Institutional Training Initiative, the CITI program. It's</p> <p>12 online.</p> <p>13 Q Okay. It's something that all residents are</p> <p>14 required to do?</p> <p>15 A Yes.</p> <p>16 Q Some kind of online training?</p> <p>17 A Yes.</p> <p>18 Q And this is just Becky sending you the</p> <p>19 certificate showing that she completed it?</p> <p>20 A That's what it looks like, yes.</p> <p>21 Q Okay. On Exhibit No. 1 I notice that you</p> <p>22 have listed on here that – it's under April 8, 2015 – that</p> <p>23 Dr. Klug – it says, "Citi certification not completed." Do</p> <p>24 you see that?</p>	<p>1 top. Are you familiar with this document?</p> <p>2 A I am not.</p> <p>3 Q Have you ever seen a document that looks like</p> <p>4 this before?</p> <p>5 A I have not.</p> <p>6 Q Do you know what SCORE is?</p> <p>7 A I do.</p> <p>8 Q What is it?</p> <p>9 A It's a curriculum, online curriculum, for</p> <p>10 surgery residents.</p> <p>11 Q How do you check to see if the residents have</p> <p>12 done the SCORE requirements or whatever they're supposed to</p> <p>13 do?</p> <p>14 A At this time, during the time that Rebecca</p> <p>15 was there, I could just run a report from it, but I couldn't</p> <p>16 – at that point, if I recall correctly, we couldn't tell</p> <p>17 whether it was completed or not. The resident had to mark</p> <p>18 that it was completed.</p> <p>19 Q Okay. There's some information on the</p> <p>20 timeline document about SCORE, and it's under April 20, 2015,</p> <p>21 where it says, "100% completion of SCORE curriculum."</p> <p>22 A Yes.</p> <p>23 Q And you indicated on this timeline that</p> <p>24 that's one of the things she didn't do, correct?</p>

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1 Q What was the situation, briefly?  
2 A The situation was that there was a new  
3 attending, Dr. McCagg, and she was going to be working on the  
4 ICU as well with Dr. Wolfer. Dr. Wolfer and Dr. McCagg did  
5 not get along very well.  
6 Q Okay. And then you wrote that you spoke with  
7 Becky at length about it and it was apparent her stress level  
8 had been high even before she finished her VA rotation. Do  
9 you know why her stress level was high?  
10 A I would say it's because of the situation  
11 that she had mentioned with Dr. Yung.  
12 Q What did she say –  
13 A While she was at the VA.  
14 Q I'm sorry. I didn't mean to interrupt you.  
15 A That's okay.  
16 Q What did she say about Dr. Yung?  
17 A She was upset because she felt like Dr. Yung  
18 was viewing inappropriate material on the computer at the VA.  
19 Q Did she also say that he was treating her  
20 unfairly?  
21 A I believe she had said that – and I don't know  
22 what the timeline is here, but during this conversation I  
23 believe she just mentioned the question of the website.  
24 Q Okay. And do you recall what the website was

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1 that made her uncomfortable?  
2 A I heard it was a movie trailer for 50 Shades  
3 of Gray.  
4 Q Well, that's not a website. Do you know what  
5 the website was?  
6 A The website, no. I have no idea.  
7 Q Okay. And then it –  
8 A Sorry.  
9 Q That's okay. It says, "This issue was later  
10 addressed with all the residents and they were cautioned again  
11 about viewing inappropriate information on any hospital  
12 computers." So to me that kind of indicates that you wrote  
13 this after the fact?  
14 A It could have been.  
15 Q Do you see what I mean?  
16 A Yes. It could have been.  
17 Q Do you know when that issue was addressed  
18 with the residents?  
19 A I do not. I would say right around the time  
20 that I wrote this, or that we had the meeting with Becky.  
21 Q And when was the meeting with Becky?  
22 A That I don't know.  
23 Q Is that the February?  
24 A Yes, February. I don't know the exact date.

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1 Q Okay. And then the next entry is March 9,  
2 2015. Is that a meeting that you attended?  
3 A No, I did not.  
4 Q Okay. So what did you know about the  
5 March 9, 2015 meeting or conversation that took place?  
6 A This is a conversation that Dr. Mozafarri  
7 had, and I believe he asked me just to make note of it. He  
8 told me. He would have told me this information. I was not  
9 there.  
10 Q So the information in March 9, 2015, that  
11 entry is all information you got from Dr. Mozafarri?  
12 A Correct.  
13 Q Did you discuss it with Dr. Klug?  
14 A No, not this conversation. No, I did not  
15 discuss this with Dr. Klug.  
16 Q Okay. It says here Dr. Mozafarri told you  
17 that Dr. Klug said she was having personal problems at home  
18 and he asked you to speak with her because he felt there was  
19 more to the home situation than she felt comfortable talking  
20 about with him. Did you do that?  
21 A I did.  
22 Q Okay. Tell me about that conversation.  
23 A He was concerned, I guess, about her home  
24 situation and he wanted to make sure that she was safe. And

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1 he felt that she'd be more comfortable talking with me, and  
2 so that's all I did was I asked her just to make sure that  
3 her home situation was okay, that she was safe, she felt okay  
4 to go home.  
5 Q Okay. What did he say made him think that  
6 her home situation might not be safe?  
7 A I guess that she was having personal  
8 problems. She talked to him about having personal problems  
9 at home and she was stressed because of the problems. His  
10 concern was that there was something going on where she may  
11 not have been comfortable.  
12 Q Okay. Nothing in particular that you can  
13 think of?  
14 A No. No.  
15 Q And then so the following notes are March 10  
16 and March 11. Are those just your notes about how you tried  
17 to talk to her about her personal issues?  
18 A Yes.  
19 Q Okay. You talk about March 11 that she came  
20 to your office?  
21 A Yes.  
22 Q Okay. Tell me about that meeting.  
23 A I believe that was the meeting where I had  
24 asked her in the previous paragraph there for March 10 – that's

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<p>1 A The resident was having problems with 2 alcohol. 3 Q Did that resident take a leave to attend 4 rehab or something like that? 5 A Yes. 6 Q And that would be considered an 7 accommodation, wouldn't it? 8 MR. OXLEY: Objection. Go ahead and answer 9 if you can. 10 THE WITNESS: I assume it would be. 11 BY MS. WHITEAKER: 12 Q Dr. Klug took a short leave of absence or some 13 time off after her husband passed away, didn't she? 14 A Yes, she did. 15 Q What do you remember about when her husband 16 passed away? 17 MR. OXLEY: Objection. To the extent that 18 you can answer that question, go ahead. 19 THE WITNESS: I just remember what a 20 horrible time it was. 21 BY MS. WHITEAKER: 22 Q Right. Did you talk to her about it? 23 A Not so much about how he died or anything like 24 that.</p>	<p>1 MR. OXLEY: Okay. Fair enough then. 2 MS. WHITEAKER: Because that's when he died. 3 MR. OXLEY: Okay, fair enough. I think 4 that's what she answered that question. 5 MS. WHITEAKER: That's what I meant. 6 MR. OXLEY: Okay. 7 MS. WHITEAKER: That wasn't a trick 8 question. 9 MR. OXLEY: I understand it in context. By 10 itself it was confusing. 11 MS. WHITEAKER: I see what you're saying. I 12 don't ask trick questions. I might ask bad questions, but 13 they're not on purpose. 14 BY MS. WHITEAKER: 15 Q How much time do you recall that she took off 16 after her husband died? 17 A Several weeks. I'm not sure exactly how 18 much time, but several weeks. 19 Q Okay. Did you know her husband? 20 A I did not. I may have met him once maybe at 21 a Christmas party or something. 22 Q Was there any discussion among the 23 administrative people about giving her a year off after that 24 and letting her come back after a year?</p>
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<p>1 Q Right. But in general, about losing her 2 husband, did you talk to her about that? 3 MR. OXLEY: Objection. Go ahead and 4 answer. 5 THE WITNESS: I'm sure I probably, you know, 6 offered my condolences and to see if there was anything I could 7 do to help her, that sort of thing. Offered help. 8 BY MS. WHITEAKER: 9 Q Did her husband's death affect her moving on 10 to the third year, moving to PGY 3? 11 MR. OXLEY: Objection. Go ahead and answer 12 if you can. 13 THE WITNESS: No. 14 BY MS. WHITEAKER: 15 Q Okay. In your mind, why didn't she move on 16 to PGY 3 then? 17 A She didn't complete the remediation. 18 Q Well – 19 MR. OXLEY: I want to just – I'm a little 20 confused about that last question. From the standpoint that 21 – it's unclear to me whether you're talking about the first 22 time through or the second time through. 23 MS. WHITEAKER: I was talking about the 24 first time. I thought that was obvious.</p>	<p>1 MR. OXLEY: Objection, but go ahead and 2 answer if you can. 3 THE WITNESS: Not that I'm aware of. 4 BY MS. WHITEAKER: 5 Q Is that something that could have been done 6 under the ACGME rules? 7 MR. OXLEY: Objection. Go ahead and answer 8 if you can. 9 THE WITNESS: I'm not sure. I'm not sure 10 about that. 11 BY MS. WHITEAKER: 12 Q When Dr. Klug first came back after her 13 husband died, did Dr. Mozafarri have concerns that she was 14 unfit to fulfill her duties? 15 A He was concerned that she came back to work 16 too early. I mean his concern was for her. 17 Q What do you recall him saying about it? 18 A Just that because of the situation, he just 19 thought that it may have been a little too early, you know, 20 for anybody to come back to work. 21 Q Did you guys discuss that? 22 A I'm sure we had some casual conversations 23 about it. 24 Q Do you recall anything specific?</p>

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<p style="text-align: right;">Page 69</p> <p>1 Q Okay. What document would you need to look 2 at?</p> <p>3 A I would think any kind of decision made by 4 the committee or her level or what do you call them, appeals, 5 those sorts of things.</p> <p>6 MR. OXLEY: I'm going to make a specific 7 objection that while she took notes in the C3 Committee, she 8 was not a voting member of that committee.</p> <p>9 MS. WHITEAKER: I understand.</p> <p>10 MR. OXLEY: And so her answers are based on 11 answers of someone who was observing and not decision making.</p> <p>12 MS. WHITEAKER: Yes, I understand that you 13 didn't make the decision.</p> <p>14 BY MS. WHITEAKER:</p> <p>15 Q If a resident does not complete their 16 remediation plan, are they going to be discharged 17 automatically?</p> <p>18 MR. OXLEY: Objection to form. Go ahead and 19 answer to the extent that you can.</p> <p>20 THE WITNESS: I would say that it's up to the 21 Clinical Competency Committee.</p> <p>22 MS. WHITEAKER: I'm going to give you 23 another exhibit. I'm just taking it apart and putting it back 24 together. Just give me a second. It's two things, but I</p>	<p style="text-align: right;">Page 71</p> <p>1 you know, has specific requirements. So if a document were 2 to be submitted and be placed in a Protective Order, it would 3 be subject to the guidelines of the Protective Order. This 4 deposition, if you're going to talk about it, this whole 5 deposition would have to be subject to that same Protective 6 Order.</p> <p>7 MS. WHITEAKER: Okay. I understand. 8 We're good. But you don't have to – I don't care about his 9 name. I mean the name is not important to me.</p> <p>10 THE WITNESS: Okay.</p> <p>11 MS. WHITEAKER: And as far as I'm concerned, 12 we don't have to attach this as an exhibit, but I am going 13 to identify for the record the Bates number, but on the bottom 14 you've got the names. Do you want me to say the Bates number? 15 MR. OXLEY: Well, I would say I think that 16 for purposes of the record you could say A and then the number. 17 Is that fair?</p> <p>18 MS. WHITEAKER: Is that okay? As long as we 19 all know what we're talking about, I think it's okay. 20 Documents related to a different resident, we're just going 21 to say Letter A for the Bates number 000381, and then it goes 22 to 385, and then there's another document, 0004548 through 23 461.</p> <p>24 BY MS. WHITEAKER:</p>
<p style="text-align: right;">Page 70</p> <p>1 think we can make it one exhibit. 2 (WHEREUPON, Webb Deposition 3 Exhibit No. 13, ABSITE Exam, 4 was marked for identification.)</p> <p>5 MS. WHITEAKER: Okay. These are documents 6 we just got yesterday related to a different resident.</p> <p>7 MR. OXLEY: Now, to the extent that you were 8 planning to use that in this deposition, I think this 9 deposition needs to be placed under seal.</p> <p>10 MS. WHITEAKER: I don't mind if you just want 11 me to identify it by Bates number on the record and not attach 12 it. I'm okay with that.</p> <p>13 MR. OXLEY: And not use any names?</p> <p>14 MS. WHITEAKER: Yes. What name do you want 15 me to say, John Doe?</p> <p>16 MR. OXLEY: Candidate A or John Doe or 17 however you want to do it. I mean I do not want to – I think 18 that we're going to have to put the deposition in a Protective 19 Order if we talk about the specifics or the specific person.</p> <p>20 MS. WHITEAKER: We do have a Protective 21 Order in this case.</p> <p>22 MR. OXLEY: I agree. I just want to make 23 sure that the deposition is placed under the Protective Order, 24 or under the guidelines of the Protective Order, which, as</p>	<p style="text-align: right;">Page 72</p> <p>1 Q And, Ms. Webb, you were working there during 2 this time, too, when this document was prepared, correct?</p> <p>3 A Yes, correct.</p> <p>4 Q Okay. Do you recall this resident?</p> <p>5 A I do.</p> <p>6 Q Okay. And it looks like this person had an 7 educational enhancement issue; is that correct?</p> <p>8 A Correct.</p> <p>9 Q And what was the issue with this resident?</p> <p>10 A ABSITE performance.</p> <p>11 Q Okay. Is that the only issue?</p> <p>12 A I believe so.</p> <p>13 Q Okay. And did this resident's ABSITE scores 14 improve?</p> <p>15 A I do not remember. I don't know.</p> <p>16 Q If you look at this document – I'll hold it 17 up – it's the one that starts at 000458 and turn to the third 18 page.</p> <p>19 A Okay.</p> <p>20 Q I'm not that familiar with New Innovations 21 like you are, but I see a category that says "ABSITE Exam" 22 there.</p> <p>23 A I'm sorry. I was looking at the wrong one. 24 Are you looking at the semi-annual review?</p>



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1 Q Yes.

2 A Okay. I'm with you.

3 Q And then on the very right-hand side column

4 it's got the percentile. Do you see that?

5 A I do.

6 Q And it looks like it's sort of in reverse date

7 order, but it goes percentile 4 to 11, and then 1 is the last

8 one in 2013.

9 A Correct.

10 Q So did this resident improve his ABSITE

11 scores?

12 MR. OXLEY: I'm going to object to that

13 question, but go ahead and answer to the extent that you can.

14 THE WITNESS: Well, he did.

15 BY MS. WHITEAKER:

16 Q He did between 11 and 12, up to 11th

17 percentile, correct?

18 A Correct.

19 Q Okay. Did he ever get above 50 percentile?

20 A I am assuming not, looking at this

21 information.

22 Q Okay. And did he complete the program, to

23 your recollection?

24 A He did.

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1 (WHEREUPON, Webb Deposition

2 Exhibit No. 14, Text Messages,

3 was marked for identification.)

4 BY MS. WHITEAKER:

5 Q Exhibit 14 is this one page, Klug 003638, and

6 this is some text messages. Have you seen this before?

7 A Well, I'm assuming yes. It's been a long

8 time.

9 Q Okay. Well, just take a minute and look at

10 it.

11 A It looks like texts that Dr. Klug and I sent

12 back and forth.

13 Q Would you commonly text with residents?

14 A Yes.

15 Q Do you retain your texts?

16 A I don't delete them off my phone. You know,

17 if I get a new phone, I don't make sure that they carry over

18 or anything like that. So as a rule I don't get rid of them.

19 If that makes sense.

20 Q I think it makes sense. You don't actively

21 try to preserve your texts?

22 A No.

23 Q But you're not deleting them off your phone

24 either?

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1 A Correct.

2 Q Okay. Do you think you would still have

3 texts between you and Becky somewhere on your phone, or a phone

4 you still have?

5 A I can probably say no. I'm pretty sure no

6 because I've gone through quite a few phones.

7 Q Since 2015 and 2016?

8 A Yes.

9 Q Okay.

10 MR. OXLEY: So I'm familiar with what you're

11 about ready to ask about. I think it's important that she

12 have these in context. So this is the middle of a

13 conversation, so I want to make sure that she has – that you

14 have this and she has this in context. This is the first part

15 of the conversation.

16 MS. WHITEAKER: Okay.

17 MR. OXLEY: Take a look at the date and the

18 times and coordinate that with what you have in front of you.

19 The last part of that leads into the first part of, I guess,

20 the text message. Have we entered that as an exhibit yet?

21 MS. WHITEAKER: Yes, that's Exhibit 14.

22 MR. OXLEY: Okay. I just wanted to make

23 sure you had that in front of you.

24 MS. WHITEAKER: No, that's good. Thank

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1 you. Do you want to give that to her so she can have that?

2 MR. OXLEY: Sure.

3 BY MS. WHITEAKER:

4 Q So my question is, as Perry has defined, do

5 you remember what was going on in this situation that Becky

6 was complaining to you about?

7 A I do.

8 Q Okay. Tell me what you recall.

9 A This was the situation I talked about a

10 little earlier between Dr. Wolfer on the ICU. Dr. Klug was

11 doing her ICU rotation at the time, and Dr. Klug was getting

12 in the middle of Dr. Wolfer's behavior, so to speak.

13 Q Okay. That was when you said Dr. McCagg and

14 Dr. Wolfer weren't getting along together?

15 A I believe so, yes.

16 Q And did you feel like Dr. Wolfer was the

17 aggressor in that situation?

18 A You know, I don't really know who was the

19 aggressor.

20 Q Do you know what the problem was between

21 those two?

22 A I could speculate, but I don't – you know,

23 they wanted, both of them wanted control of the ICU and the

24 care of the patients and there were personality conflicts

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1 MR. OXLEY: Okay, so this is 12.

2 BY MR. OXLEY:

3 Q So now let's read through these real quick.  
4 I'm going to read them dash by dash. You tell me if I read  
5 them correctly.

6 This is Exhibit 14-A. "Dr. Wolfer is taking  
7 over the care of our ICU patients today. She is calling the  
8 nurses, they follow her orders and tell" -- this says "an,"  
9 but I think it means and -- "and tell me sorry we can't make  
10 her mad." Did I read that correctly?

11 A Correct.

12 Q The next one is "This is really hurting  
13 patient care and my education. I refuse to be in the middle  
14 of this anymore." Did I read that correctly?

15 A Correct.

16 Q "But now the nurses are not carrying out the  
17 ICU plan." Did I read that correctly?

18 A Correct.

19 Q And that's Dr. Klug, those three texts,  
20 right?

21 A That's right.

22 Q Then we go down to your texts. "Thanks  
23 Becky. Just be cool and professional." And then the next  
24 text is "We will get it figured out." Did I read that

1 A Correct.

2 Q And this is Dr. Klug again. "I just have to  
3 be honest with you, this situation on a whole is absolutely  
4 the most toxic and hostile workplace situation I have ever  
5 experienced. It's impacting me on all levels and I don't  
6 think it's worth doing it anymore. My professional education  
7 and now personal life are all falling apart. I really don't  
8 know what to do." Did I read that correctly?

9 A Correct.

10 Q And then you said, "Are you working  
11 tomorrow?"

12 A Correct.

13 Q And then she says, "Yes." And then you said,  
14 "I want to see you in my office when Dr. Mozafarri is going  
15 to be here. I will let you know what time he is going to be  
16 here. Ok?" You wrote that?

17 A Correct.

18 Q And she says, "OK"?

19 A Correct.

20 Q All right. Now, this was a situation that  
21 was ongoing between Dr. McCagg and Dr. Wolfer in the ICU?

22 A Correct.

23 Q And that was, as Dr. Klug described it, the  
24 most hostile and toxic workplace situation she'd experienced,

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1 correctly?

2 A Correct.

3 Q And then the next text is "Dr. McCagg does  
4 not know it is to this degree. I didn't tell her because I  
5 don't want to deal with this anymore, I'm sorry." Did I read  
6 that correctly?

7 A Correct.

8 Q "You are doing the right thing. Stay out of  
9 it as much as you can. Dr. Mozafarri will deal with it." Did  
10 I read that correctly?

11 A Correct.

12 Q That's you, right?

13 A Correct.

14 Q And then here's you again. "Does Dr. Uffort  
15 know this is going on?" Did I read that correctly?

16 A Right.

17 Q That's you again, right?

18 A Yes.

19 Q And then this is Rebecca Klug. "I told him  
20 some things but not everything. I don't have the time to talk  
21 to him today. I am post call and I'm very late leaving  
22 already." Did I read that correctly?

23 A Correct.

24 Q And that's Dr. Klug, right?

1 right?

2 A Correct.

3 Q And they were fighting amongst themselves  
4 about?

5 A About who was going to control the ICU, the  
6 care of patients.

7 Q Okay. And Dr. Klug felt like she was in the  
8 middle of that, right?

9 A She did.

10 Q Now, this last text is -- it looks like the  
11 date is January 22. Is that right?

12 A Yes.

13 Q And then she said she couldn't come over  
14 immediately. In February there's a reference in Exhibit 12,  
15 and it starts out, "Dr. Mozafarri and I met with Dr. Klug to  
16 discuss the situation on the ICU between Dr. Wolfer and Dr.  
17 McCagg. There had been a lot of tension between the two  
18 doctors and Dr. Klug seemed to be caught in the middle of the  
19 situation. After speaking with her at length" -- I'm going  
20 to stop there.

21 This meeting was in reference principally to  
22 this dispute between Wolfer and McCagg, right?

23 A Correct.

24 Q And so that's why the meeting took place to

<p style="text-align: right;">Page 113</p> <p>1 begin with?</p> <p>2 A Correct.</p> <p>3 Q During this time period there was further</p> <p>4 exploration in here, and she described the situation with Dr.</p> <p>5 Young?</p> <p>6 A Yes.</p> <p>7 Q Other than 50 Shades of Gray trailer, do you</p> <p>8 ever remember Dr. Klug referencing any specific material that</p> <p>9 was inappropriate to you?</p> <p>10 A I do not.</p> <p>11 Q Okay. In this meeting, other than the 50</p> <p>12 Shades of Gray trailer, did she reference anything</p> <p>13 specifically?</p> <p>14 A No.</p> <p>15 Q After having met with her during this meeting</p> <p>16 and talking with her yourself, do you think that she was</p> <p>17 offended by the 50 Shades of Gray trailer?</p> <p>18 A No.</p> <p>19 Q Okay. She just found it inappropriate?</p> <p>20 A Correct.</p> <p>21 Q Okay. Did Dr. Yung, in your experience – did</p> <p>22 you work with Dr. Yung during the entirety of his residency</p> <p>23 program?</p> <p>24 A Yes.</p>	<p style="text-align: right;">Page 115</p> <p>1 Q They seemed to have a dispute; is that fair</p> <p>2 to say?</p> <p>3 A They seemed to, yes. I never saw it.</p> <p>4 Q Okay, fair enough. You just read about it,</p> <p>5 right?</p> <p>6 A Right.</p> <p>7 Q Okay. I think this is Exhibit 1, which is</p> <p>8 a chart which you prepared at some point for Dr. Mozafarri?</p> <p>9 A Correct.</p> <p>10 Q Now, just to be clear, was this chart used</p> <p>11 in the C3 Committee?</p> <p>12 A It was not.</p> <p>13 Q Okay. So this was solely for Dr. Mozafarri</p> <p>14 to have as information?</p> <p>15 A Correct.</p> <p>16 Q And you were asked about a couple of things</p> <p>17 in this. One was the CITI certification not being completed</p> <p>18 on April 15, and you were shown an e-mail that showed that</p> <p>19 it was completed. Was that a mistake?</p> <p>20 A Yes.</p> <p>21 Q Okay. Now, we go down here and you talk</p> <p>22 about this 100% completion. I think it was the SCORES. Hold</p> <p>23 on one second. Yes, the SCORES, I think it was. One hundred</p> <p>24 percent completion of the SCORES curriculum. And I think you</p>
<p style="text-align: right;">Page 114</p> <p>1 Q Was that five years?</p> <p>2 A Yes.</p> <p>3 Q So you knew him for five years as a resident?</p> <p>4 A Correct.</p> <p>5 Q Did he have trouble getting along with</p> <p>6 females in the program?</p> <p>7 A No.</p> <p>8 Q Did he have good relationships with all other</p> <p>9 females except for Dr. Klug?</p> <p>10 A Yes.</p> <p>11 Q Did any other female ever say that he</p> <p>12 sexually harassed them or behaved in an inappropriate manner,</p> <p>13 whether it pertains to sexual discrimination or sexual</p> <p>14 harassment, to your memory?</p> <p>15 A No.</p> <p>16 Q Did he get along with Dr. Klug?</p> <p>17 A As far as – I mean I just don't know of</p> <p>18 anything.</p> <p>19 Q Okay. But I mean there were reports.</p> <p>20 Obviously, she filed a formal report against him, didn't she?</p> <p>21 A Yes.</p> <p>22 Q That he had done different things? I've</p> <p>23 shown you e-mails that we've reviewed here today?</p> <p>24 A Yes.</p>	<p style="text-align: right;">Page 116</p> <p>1 were asked about whether or not that was eventually completed,</p> <p>2 and you were shown some documents that suggested it was. Do</p> <p>3 you remember that?</p> <p>4 A Yes, that's correct.</p> <p>5 Q But can we agree – and I can pull that up.</p> <p>6 Was it completed on June 15, 2015? Let me get that for you.</p> <p>7 You probably can't remember.</p> <p>8 Do you have a copy of the SCORES – I think</p> <p>9 maybe Exhibit 2. Well, here it is. I'm sorry. I apologize.</p> <p>10 Do you know what exhibit it is, this one (indicating)? I have</p> <p>11 Exhibit 4.</p> <p>12 BY MR. OXLEY:</p> <p>13 Q All right. So this says completion date</p> <p>14 June 15, 2015, right?</p> <p>15 A Correct.</p> <p>16 Q And you said it was not completed?</p> <p>17 A Correct.</p> <p>18 Q At that time? Her SCORES assignments seemed</p> <p>19 to be going through November of 2015. Is that right?</p> <p>20 A Yes.</p> <p>21 Q Would they have been completed in June 2015?</p> <p>22 A No.</p> <p>23 Q I didn't get that?</p> <p>24 A No.</p>